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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/909,712	08/11/97	CHASE JR	CC001

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PM31/0422

EXAMINER

SANTOS, R

ART UNIT PAPER NUMBER

3633

3

DATE MAILED: 04/22/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

08/909,712

Applicant(s)

Chase, Jr.

Examiner

R. Santos

Group Art Unit

3633

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.  
Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-20 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: In page 7, line 27: "at" should be deleted.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Stafford. Stafford shows the claimed limitations of a "massage support apparatus" (10) comprising an "inflatable body supporting structure" (11, 12) having a top surface and a bottom surface, said top and bottom surfaces defining an enclosure therebetween, said inflatable body structure having a head end and a foot end; and a "massage facilitating feature" (15) formed into the inflatable body supporting structure (see Figures 1-3; column 1, lines 35-40 & 51-52 and column 2, lines 1-8). As concerns claim 2, the reference is considered to show the use of an "inflation valve" (17) in Figures 1 & 3 and in column 2, lines 8-17. As concerns claim 3, the reference is considered to

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show the use of an "interior face cradle" (central tube 14 positioned on upper section 12 of the support apparatus) disposed proximate to the head end of the inflatable body supporting structure (see Figure 1). As concerns claim 4, the reference discloses a condition wherein the interior face cradle is "inflatable" in column 1, lines 48-49.

With regards to claims 8 and 9, the reference is considered to show a condition wherein the massage facilitating feature further comprises "knee support regions" (webs 15 located on lower section 11 of the support apparatus) and "arm cradling portions" (webs 15 located on upper section 12 of the support apparatus) formed into the inflatable body supporting structure, wherein the knee support regions are disposed proximate to the foot end of the inflatable body supporting structure (see Figure 1). As concerns claim 10, the reference is considered to show a condition wherein the support apparatus is formed of "lightweight foldable material" in column 1, lines 15-18 and in column 2, lines 4-8.

4. Claims 1-10 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Howard. Howard shows the claimed limitations of a "massage support apparatus" (10) comprising an "inflatable body supporting structure" (20, 22) having a top surface and a bottom surface, said top and bottom surfaces defining an enclosure therebetween, said inflatable body structure having a head end and a foot end; and a "massage facilitating feature" (38) formed into the inflatable body supporting structure (see Figures 1-3; column 2, lines 30-37; and column 3, lines 19-28). As concerns claim 2, the reference is considered to show the use of an "inflation

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valve" (26, 28) in Figures 1, 3, & 4 and in column 2, lines 65-67. As concerns claim 3, 18, and 19, the reference is considered to show the use of an "interior face cradle" (the upper portion of element 38 which is located on element 22) disposed proximate to the head end of the inflatable body supporting structure (see Figure 1). As concerns claims 4 and 18, the reference discloses a condition wherein the interior face cradle is "inflatable" in column 3, lines 19-28. As concerns claim 5 and 20, the reference discloses the use of an "inflation valve" (28) coupled to the interior face cradle (see Figure 1 and column 3, lines 26-28. With regards to claim 6 and with further regards to claim 18, the reference discloses the use of a "faceplate opening" (the uppermost opening 12 located on upper section 22 of the inflatable body supporting structure) disposed near the head end of the inflatable body supporting structure, said faceplate opening formed completely through the inflatable body supporting structure (see Figures 1 & 5). As concerns claim 7 and with further regards to claim 18, the reference is considered to show the use of an "interior body bolster" (40) disposed between the head end and the foot end of the inflatable body supporting structure in Figure 1 and in column 3, lines 19-22. With regards to claims 8 and 9 and with further regards to claim 20, the reference is considered to show a condition wherein the massage facilitating feature further comprises "knee support regions" (openings 12a located in the lower section 20 of the supporting structure) and "arm cradling portions" (openings 12a located in the upper section 22 of the supporting structure) formed into the inflatable body supporting structure, wherein the knee support regions are disposed proximate to the foot end of the inflatable body supporting structure (see Figure 1). As concerns claim 10, the reference is considered to show a

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condition wherein the support apparatus is formed of "lightweight foldable material" in column 1, lines 57-60.

5. Claims 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,312,987 to Emery. Emery '987 shows the claimed limitations of an "inflatable face cradle" (10) and an "inflation valve" (12) coupled to the interior of the face cradle, wherein the inflatable face cradle further comprises a "forehead supporting region" (11), a "first cheek supporting region" (14, 15), and a "second cheek supporting region" (14, 15), and wherein the inflatable face cradle is formed of "lightweight foldable material" (see Figure 3; column 2, lines 60-64 & 71-72; and column 3, line 1).

6. Claims 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Swiss Patent No. 602,056. Swiss '056 shows the claimed limitations of an "inflatable foot bolster" (1) and an "inflation valve" (9, 10) coupled to the interior of the foot bolster, wherein the inflatable foot bolster further comprises a "first depression" (8) and a "second depression" (8), wherein the bottom surface of the inflatable foot bolster is "flat" (2'), and wherein the foot bolster is formed of "lightweight foldable material" (see Figures 3 & 4 and the Abstract).

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*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- 1) U.S. Patent No. 5,479,667 to Nelson et al.
- 2) U.S. Patent No. 5,289,828 to Toth
- 3) U.S. Patent No. 5,125,123 to Engle
- 4) U.S. Patent No. 3,416,169 to Emery
- 5) U.S. Patent No. 3,283,343 to Worcester
- 6) U.S. Patent No. 2,919,747 to Post
- 7) U.S. Patent No. 2,819,712 to Morrison
- 8) U.S. Patent No. 2,688,142 to Jensen
- 9) U.S. Patent No. 1,830,570 to Smith et al.
- 10) U.S. Design Patent No. 345,797 to Gardner
- 11) U.S. Design Patent No. 311,470 to Cosgrove, III et al.
- 12) U.S. Design Patent No. 220,953 to Des Pres
- 13) Austrian Patent No. 195,057 to Ebner

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Santos whose telephone number is (703) 308-7469. The examiner can normally be reached on Mondays through Fridays from 8:30 a.m. to 6:00 p.m.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)308-2168.

*Brian K. Green*  
BRIAN K. GREEN  
PRIMARY EXAMINER  
GROUP ~~3500~~  
3633

R.S.

April 12, 1998